

ELECTRONICALLY FILED 4/29/2010

<b>REQUEST UNDER 37 C.F.R. §1.705(d) FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT</b>	Attorney Docket No.	ADCI-010
	Confirmation No.	7209
	First Named Inventor	Arvind N. Jina
	Application Number	10/533,350
	Patent Number	7,670,853
	Group Art Unit	1641
	Examiner Name	Nguyen, Bao Thuy
Address to: ISSUE FEE/Petitions Commissioner for Patents PO Box 1450 Alexandria, VA 22313		
Title: ASSAY DEVICE, SYSTEM AND METHOD		

Sir:

Under 37 C.F.R. §1.705(d), Applicants respectfully request reconsideration of the Patent Term Adjustment (PTA) determined for the above-captioned patent, which issued on March 2, 2010. This request is timely filed within 2 months from the date of issue.

Provided herewith is: (1) the fee of \$200.00 as set forth in 37 C.F.R. §1.18(e); and (2) a statement of the facts involved.

The USPTO determined that the patent was entitled to 350 days of PTA (see enclosed USPTO PTA calculation).

Applicants note that, as stated in 37 CFR § 1.702(b), delay under 35 U.S.C. §154(b)(1)(B) commences on the date that is “three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application”. Applicants submit that the national stage “commenced” under 35 U.S.C. 371(b) for the subject patent on May 5, 2005 (i.e., 30 months from earliest priority date of November 5, 2002).

As such, the USPTO delay under 35 U.S.C. §154(b)(1)(B) is from May 5, 2008 (the 3 year date) to January 16, 2009 (the date of filing RCE), a total of 257 days.

USPTO delay under 35 U.S.C. §154(b)(1)(A)(i) is 369 days, as indicated on the enclosed PTA calculation from the USPTO.

As the delay under 35 U.S.C. §154(b)(1)(B) and 35 U.S.C. §154(b)(1)(A)(i) do not overlap, the total USPTO delay for the subject patent is 626 days.

The total delay for circumstances constituting a failure by the Applicant to engage in reasonable efforts to conclude processing or examination as set forth in 37 C.F.R. §1.704 is 19 days, as indicated on the enclosed PTA calculation from the USPTO.

In view of the above, Applicants submit that this patent is entitled to 607 days of PTA under 37 C.F.R. §1.703(f).

The subject patent is not subject to a terminal disclaimer.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ADCI-010

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: April 29, 2010 By: /Edward J. Baba, Reg. No. 52,581/  
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Enclosure: USPTO PTA Calculation

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